

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1108 of 2021**

- Manish Kumar son of Dev Prasad, aged about 20 years, R/o Amanala, Godari Para, Ward No. 34, Godaripara, Chirmiri, Tahsil Chirmiri, District Koriya Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO Police Station Chirmiri, District Koriya, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. B.Madhav Rao, Adv. With Mr. Basant Kaiwartya, Advocate
For Non-applicant- State	: Mr. Roshan Dubey, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****20/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 123/2021 registered at Police Station Chirmiri, District-Koriya (C.G.) for the offence punishable under Sections 294, 506, 323, 326 & 34 of IPC.
2. Case of the prosecution is, that on 30.04.2021 at about 7:30 pm when injured Sumit Kumar along with his friend Rahul (complainant) went to Babu garage asking money from Manish towards damage of Mahindra SUV vehicle, Manish and Deepak started assaulting them by means of hand, fist and also by club, on account of which Sumit suffered grievous injuries over his left eye. When Rahul tried to intervene he was also assaulted by Manish and Deepak. Due to injuries suffered by Sumit on head, he became unconscious. He was taken to hospital, where on examination of his eye at Shri Ganesh

Vinayak Eye Hospital, Pachpedi Naka, Raipur, it was diagnosed that there is loss of vision in the left eye. Incident was reported to concerned police station based upon which aforementioned crime is registered against applicant and Deepak.

3. Mr. B.Madhav Rao, learned counsel for the applicant would submit that the applicant is a student. Dispute is of civil nature, applicant may be enlarged on anticipatory bail.
4. On the other hand, Mr. Roshan Dubey, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that present applicant along with Deepak, in connivance, have assaulted Sumit (injured) and Rahul (complainant) by means of hand and club upon which Sumit suffered loss of eye vision of left eye due to head injury, hence, applicant is not entitled for benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegations levelled against the applicant, the fact that Sumit suffered grievous injury over his left eye resulting in loss of vision, I do not find it to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge